IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1101 OF 2006

Shri.Shivaji Baburao Gavandi. ... Applicant.

vs.

The State of Maharashtra. ...Respondent

Mr.J.Shekhar, for Applicant.

Ms.R.M.Gadhavi, APP for State.

CORAM: V.M.KANADE,J.

DATED: 31st March,, 2006

P.C.:-

1. Heard the learned Counsel appearing for the applicant and A.P.P. for State. The learned Counsel appearing for the applicant submits that the applicant has been arrested for the offence punishable under Sections 302, 498-A r/w. 34 of I.P.C. under C.R.no.1 of 2006 registered with Chinchani-Wangi Police Station on a complaint lodged by the brother of the deceased on 5.1.2006.

2. The prosecution case is that the sister of the complainant had married with the son of the present applicant and after four months after that marriage with the applicant, the present applicant and other co-accused were ill-treating the deceased. They had also

allegedly demanded Rs.10,000/- from her parents for cultivation of sugarcane crop. Thereafter, the deceased had gone to house of her parents and she has expressed her fear that there was danger to her life. However, her parents convinced her and sent her back. On the date of incident, there was some quarrel between the deceased and her in-laws. Thereafter, some time late in the evening, the brother of the deceased had received a telephone call disclosing that the deceased has been admitted at Kadegaon Hospital. She had died thereafter. Thereafter, the post mortem was performed. The Doctor who had performed the post mortem has given opinion that the cause of death is due to throttling and multiple injuries on the neck of the deceased were found. The neighbour of the applicant who had been to the house of the applicant after throttling of the deceased, also did not notice any rope by which the deceased had hung herself. The applicant and the wife, on the contrary, informed the neighbours and others that the deceased had hung herself and tried to commit suicide.

3. The material on record indicate that the deceased was murdered and was throttled to death. Considering the facts and circumstances, in my view, this is not a fit case for grant of bail because there is possibility of applicant may threaten the witnesses. Hence, the application fails and therefore, is rejected. The Trial however, is expedited.

(V.M.Kanade, J.)